

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re: PHARMACEUTICAL INDUSTRY	:	
AVERAGE WHOLESALE PRICE	:	MDL NO. 1456
LITIGATION	:	
	:	Civil Action No. 01-12257-PBS
	:	
	:	Judge Patti B. Saris
	:	(case pending in D. Mass.)
THIS DOCUMENT RELATES TO THE	:	
CONSOLIDATED CLASS ACTION	:	

**NON-PARTY NATIONAL HERITAGE INSURANCE COMPANY INC'S MOTION  
TO RENEW ITS CROSS-MOTION TO QUASH SUBPOENAS AND OPPOSITION  
TO MOTION TO COMPEL**

On October 27, 2005, this Court issued a subpoena on non-party National Heritage Insurance Company, Inc. ("NHIC"), which is not a party to this litigation, ordering the production of documents. As set forth in the memorandum of law dated March 17, 2006, as well as the accompanying Supplemental Memorandum, the subpoena for production of documents imposes an undue burden on NHIC. In addition, Defendants have made no showing that the value of the information sought outweighs the burden imposed on NHIC. For these reasons, NHIC respectfully moves to quash Defendants' subpoenas pursuant to Fed. R. Civ. P. 45(c).

Dated: May 8, 2006, Hartford, Connecticut.

**NON-PARTY  
NATIONAL HERITAGE INSURANCE COMPANY**

By: /s/ Benjamin M. Wattenmaker  
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**LOCAL RULE 7.1(A)(2) AND 37.1 CERTIFICATION**

Pursuant to Local Rules 7.1(A)(2) and 37.1, the undersigned counsel hereby certifies that counsel for NHIC conferred with counsel for Defendants in an attempt to narrow the areas of disagreement. The parties were unable to resolve the instant dispute.

/s/ Benjamin M. Wattenmaker

Benjamin M. Wattenmaker MA Juris No.:

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Non-party National Heritage Insurance Company, Inc.'s Motion to Renew its Cross-Motion to Quash Subpoenas and Opposition to Motion to Compel, has been sent via electronic transmission on this 8<sup>th</sup> day of May, 2006, or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/s/ Benjamin M. Wattenmaker

Benjamin M. Wattenmaker MA Juris No.: